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COMMENTS AND PROPOSALS RECEIVED FROM GOVERNMENTS

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I. INTRODUCTION

The Secretary-General has the honour to bring to the attention of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime the comments and proposals of the Government of Netherlands that relate to the draft United Nations Convention against Transnational Organized Crime.

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II. COMMENTS AND PROPOSALS RECEIVED

Netherlands

[Original: English]

Draft United Nations Convention against Transnational Organized Crime

Article 22
Prevention

1. State Parties shall to the extent possible consider taking social, legal or administrative steps to reduce existing or future opportunities for criminal organizations to acquire illegal gains in markets such as illegal trafficking in cars, firearms, women and minors and the smuggling of aliens, as well as to reduce opportunities to recruit new members among groups in the population that are at risk.

2. State Parties shall consider taking steps to assist persons convicted for organized criminal activities with their reintegration into society, for example, through vocational education and training.

3. State Parties shall consider undertaking national and international pilot projects for the prevention of transnational organized crime and exchange information about the outcome with relevant authorities in other countries and international organizations.

4. State Parties shall consider setting up public-private partnerships with other relevant parties to reduce opportunities for transnational criminal activities such as illegal trafficking in firearms and cars, corruption and computer-related crime.

5. State Parties shall consider the development of standards, including professional codes of conduct, and procedures designed to safeguard the integrity of public and private organizations and relevant professions such as lawyers, notaries public, tax consultants and accountants.

6. State Parties shall consider preventing the misuse of legal persons by organized crime through:

(a) The collection and storage of information on legal persons and the natural persons involved in their establishment, management and funding;

(b) The promotion of the deprivation of the right of persons convicted for organized criminal activities to act as directors of legal persons by criminal or administrative measures;

(c) The establishment of national registrations of persons disqualified as directors of legal companies;

(d) The exchange of information as referred to under subparagraphs (a) and (c) above with legitimate authorities in other countries and international organizations.

7. State Parties shall consider excluding from participation in tender procedures conducted by State applicants who have been convicted for offences connected with organized crime and denying subsidies or licences to such applicants.

Article 22 bis

1. State Parties shall collaborate with each other and relevant international organizations in promoting and developing the activities listed under article 22, in particular through the exchange of information on trends in organized crime and on best practices for the prevention of organized crime.

Add to article 23

The Secretary-General shall, with the assistance of the State Parties:

(a) Prepare and disseminate a global report on organized crime at regular intervals;

(b) Promote studies of emerging patterns in transnational organized crime and disseminate the findings of the studies;

(c) Promote and facilitate the organization of conferences and expert meetings to further cooperation and the exchange of information aimed at preventing and combating transnational organized crime;

(d) Facilitate, promote and evaluate innovative pilot projects addressing transnational organized crime;

(e) Set up a database with best practices for preventing and combating transnational organized crime;

(f) Establish a network of contact persons from Member States in order to promote the exchange of information on preventing and combating transnational organized crime.